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5 **ATTORNEYS FOR Defendant**
6 **PROGRESSIVE WEST INSURANCE COMPANY**

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 **TRACIE CAMPBELL, an individual,**

Case No. C-06-6425-CRB

12 **Plaintiff,**

STIPULATION AND ORDER TO
REMAND CASE TO STATE COURT

13 **vs.**

14 **PROGRESSIVE WEST INSURANCE**
15 **COMPANY, a corporation, and DOES 1-**
25, inclusive,

16 **Defendants.**

17
18 **WHEREAS, on October 16, 2006, defendant Progressive West Insurance Company removed**
19 **the action to this Court on the basis of diversity jurisdiction;**

20 **WHEREAS, plaintiff subsequently stipulated that the total amount in controversy does not**
21 **exceed \$75,000, and that she may not recover more than \$75,000 in total damages, including special,**
22 **general, punitive, or any other compensatory or exemplary damages, expenses, costs, attorneys' fees**
23 **and prejudgement interest;**

24 **WHEREAS, the parties agree that diversity jurisdiction no longer exists because plaintiff is**
25 **not entitled to recover more than \$75,000 in total damages;**

26 **WHEREAS, the parties agree that the case should be remanded to state court because**
27 **diversity jurisdiction no longer exists;**

28 **WHEREAS, defendant has filed motions to dismiss and strike, that are scheduled to be heard**

1 on December 1, 2006, and defendant will re-file a demurrer and motion to strike in state court within
2 ten days of receiving notice of remand.

3 IT IS HEREBY STIPULATED BETWEEN THE PARTIES HERETO, by and through their
4 respective counsel, that the case be remanded to state court because diversity jurisdiction no longer
5 exists.

6
7 Dated: 11/17/06

CODDINGTON, HICKS & DANFORTH

8
9 By: [Signature]
10 Randolph S. Hicks
11 Attorney for Defendant
12 Progressive West Insurance Company

13 Dated: 11/15/06

LAW OFFICES OF MARK L. WEBB

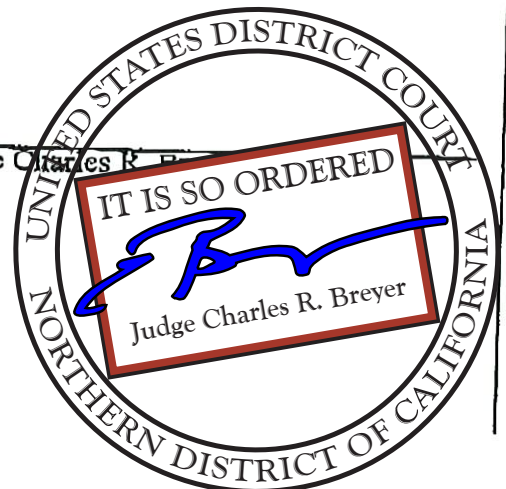
14
15 By: [Signature]
16 Mark Webb
17 Attorney for Plaintiff
18 Tracie Campbell

19
20 **ORDER**

21 The Court concurs with the foregoing stipulation, and it is ordered that the case be
22 remanded to the San Francisco County Superior Court for further proceedings as plaintiff has agreed
23 that the amount in controversy does not exceed \$75,000 and that any damages awarded to her shall
24 not exceed that amount.

25
26 Dated: November 22, 2006

27 Honorable Charles R. Breyer



Stipulation and Order to Remand Case to State Court
Case No. C-06-6425-CRB